

## APPENDIX B

### REAL ESTATE PLAN

# **REAL ESTATE PLAN Grand Marais Harbor of Refuge, Michigan Major Rehabilitation Project**

## **AUTHORITY**

Grand Marais, Michigan is a commercial harbor of refuge authorized by the River of Harbors Act of June 14, 1880. It consists of two well maintained parallel piers of 1,695' (East) and 2,714' (West) for an aggregate length of 4,409'. In addition, there is a South breakwater 5,770' long which encloses the harbor. This breakwater has not been maintained since its construction in the 1890's and is currently in ruins. Section 104 of the Water Resources Development Act of 1996 (Public Law 104-303) authorizes a study of the South breakwater to determine the feasibility of its repair or replacement.

The Real Estate Plan (REP) describes the lands, easements, relocations and disposals required for the construction, operation and maintenance of the Project.

## **LOCATION**

Grand Marais Harbor is located in Upper Peninsula of Michigan along the south shore of Lake Superior in Burt Township, Alger County, Michigan, 49 miles west of Whitefish Point and 40 miles east of Munising Harbor. The Harbor is the only harbor of refuge in the 89-mile stretch of the dangerously exposed Lake Superior coastline between Whitefish Point and Munising. The Village of Grand Marais and Burt Township have a total year around population is 488 with 350 residing in Grand Marais. The Village is the eastern entrance to the Picture Rocks National Lakeshore, which provides numerous year-round recreational activities.

## **PROJECT PURPOSE & DESCRIPTION**

The purpose of the Project is to repair or replace the South breakwater to prevent continued deposit of sand in the eastern half of the West Bay area of the Harbor. Since the early 1960's, this area has received several million cubic yards of sand resulting in significant filling of the West Bay. The three proposed Project alternatives will decrease the deposit of sand by constructing a rubble mound breakwater. The alternatives recommend various breakwater locations.

## **PROJECT LANDS**

The three alternatives will not require permanent use of any land. For all the alternatives the rubblemound breakwater is constructed in the navigation servitude. The breakwater will connect to the federal East pier but not to land. There, also, are approximately 1.3 acres of federal land under Corps of Engineers administrative jurisdiction adjacent to the West pier. This is sufficient to provide any necessary work/storage areas or land access. If excavation or dredging is required, it is anticipated this material will be placed along the shoreline of Lake Superior below the ordinary high water mark, i.e., in the navigation servitude. No present or anticipated mineral activity is within the Project area. Since the breakwater will be placed in the navigation servitude, the Project will not require displacement of persons or businesses. There are no historical properties within the proposed Project area. There are no cemeteries or public facilities within the Project area requiring relocation. In addition, plans and specifications do not identify any relocations of public utilities.

## **ESTATES**

The minimum estates are temporary road and work area easements. There is, however, sufficient federal land under the administrative control of the Corps of Engineers to provide for these Project requirements. It is anticipated the non-federal sponsor will not need to provide land for the Project.

## **VALUE OF LANDS, RELOCATIONS, AND DISPOSAL AREAS**

Since there is sufficient federal land for Project needs and the breakwater will be constructed in the navigation servitude, the non-federal sponsor will not need to provide any land for the Project. Thus, the sponsor will not be entitled to a credit against its required cash contribution for the value of lands, easements, rights-of-way, relocations, and disposal areas (LERRD's). Thus, LERRD's are not a project cost and their estimated value is not needed.

## **ENVIRONMENTAL**

An Environmental Impact Statement (EIS) is not anticipated. As required by the National Environmental Policy Act of 1969 (NEPA), if the Project proceeds to the feasibility phase, the Corps of Engineers will assess the environmental impacts of the Project through development of an Environmental Assessment (EA). As part of the preparation of the EA, formal coordination will be conducted with the State Historic Preservation Office (SHPO) to determine the potential impact of the Project on historic properties. Preliminary coordinate indicates the Project will not have any impact.

In addition, the Project will be evaluated under the following acts, as amended: Fish and Wildlife Act of 1956, Fish and Wildlife Coordination Act of 1958, National Historic Preservation Act (NHPA), Michigan Coastal Zone Management Act of 1972, Endangered Species Act of 1973, Water Resources Development Act of 1976, Clean Water Act of 1977, Clean Air Act, and Executive Orders 11988 and 11990. .

## **NON-FEDERAL SPONSOR IDENTIFICATION**

Burt Township, Michigan has indicated a willingness to be the non-federal sponsor for the Project. The Township will provide local cooperation as required by the Project Cooperation Agreement (PCA) and participate in project design.

The Township has full power, authority and capability to perform the items of local cooperation. It, also, has the legal capability to provide its share of total project costs. Finally, the Township has the capability to complete its portion of the Project within the designated time frames.

The Township is capable of providing all required LERRD's necessary for the construction, operation and maintenance of the Project. The Township is a legally constituted public body with the full power, authority, and capability to perform of the terms of the PCA. It has the power of eminent domain. It is fully capable of handling acquisitions and condemnations. Requirements of PL 91-646, acquisition policies and procedures, LERRD crediting procedures, and the requirements for land acquisition will be discussed with the Township, if the Project proceeds to the feasibility phase. See enclosed Exhibit A, Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability.

## **REAL ESTATE MANAGEMENT PLAN**

Real Estate Division will continue to assess real estate requirements for the recommended alternative, as well as, provide detailed information regarding LERRD's identified as necessary for the Project. In addition, Real Estate Division will coordinate, monitor, and assist with all acquisition activities undertaken by the non-Federal Sponsor. This will assure that the acquisition process complies with Federal and State laws specifically the requirements under the Federal Uniform Relocation and Acquisition Act (P.L. 91-646). Real Estate Division will also attend district team meetings, review and provide input into draft & final reports prepared by the district team, and participate in ITR.



## REAL ESTATE COST ESTIMATE

Real Estate Task	Federal Labor Cost	Non-Federal Admin. Cost	<u>Contract/</u> <u>MIPR</u>	Travel/Per Diem	LERRD's Value	<u>Total</u> <u>Cost</u>
Assess RE requirements; Coordinate appraisal; Monitor acquisition activities; Attend team meetings, provide input for district reports; Provide ITR comments, etc.	\$8,000.00					\$8,000.00
Gross Appraisal			0	0		0
Non-Federal Administrative		0				0
Estimated LERRD's Value					0	0
Total Costs	\$8,000.00	0	0	0	0	\$8,000.00

**REAL ESTATE DRAWING**  
**AND**  
**DEPARTMENT OF THE ARMY LEASES (OUTGRANTS)**

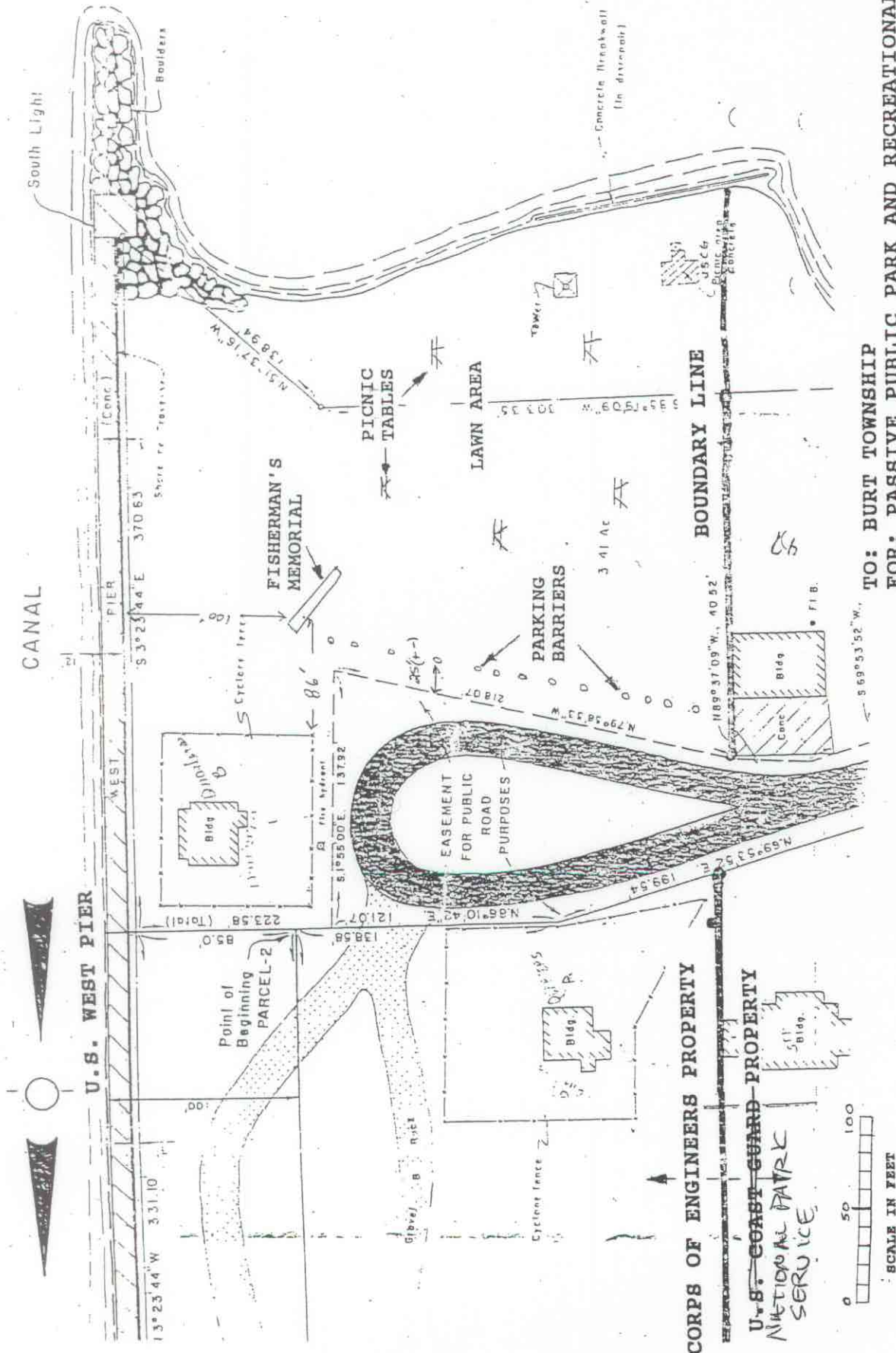


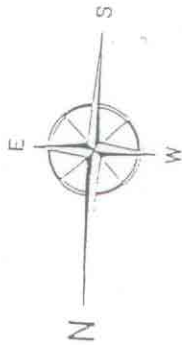
PLATE 9

EXHIBIT "A"  
DATE: 5 FEB 1996

TO: BURT TOWNSHIP  
FOR: PASSIVE PUBLIC PARK AND RECREATIONAL ACTIVITIES  
AT: GRAND MARAIS HARBOR, MI

THE PUBLIC PARK AND RECREATIONAL ACTIVITIES ON THE PREMISES INCLUDE PICNIC TABLES, PARKING BARRIERS, FISHERMAN'S MEMORIAL, SCENIC VIEWING AREA AND LAWN CARE.

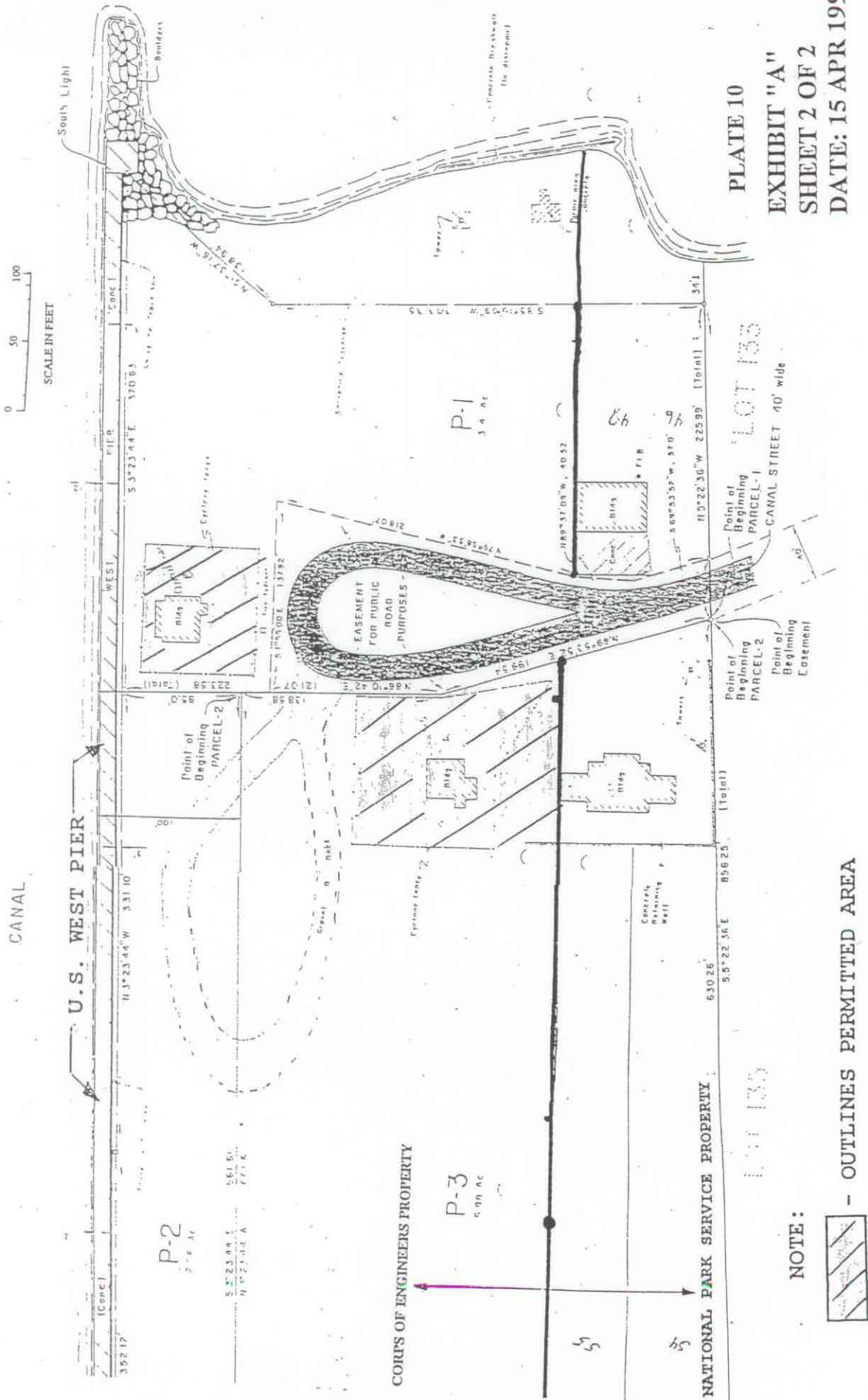
CORPS OF ENGINEERS PROPERTY  
U.S. COAST GUARD PROPERTY  
NATIONAL PARK SERVICE



DEPARTMENT OF THE ARMY PERMIT NO. DACW35-4-97-3001  
TO: NATIONAL PARK SERVICE  
FOR: USE OF LAND FOR OPERATIONS & MAINTENANCE OF TWO DWELLINGS  
AT: GRAND MARAIS HARBOR, MICHIGAN FEDERAL NAVIGATION PROJECT

**NOTE:**

THE TWO EXISTING DWELLINGS ON THE PREMISES ARE UNDER THE CARE AND CUSTODY OF THE NATIONAL PARK SERVICE. THE PERMIT AUTHORIZES USE OF 0.53 ACRE TO SUPPORT THE OPERATIONS AND MAINTENANCE OF THESE DWELLINGS.

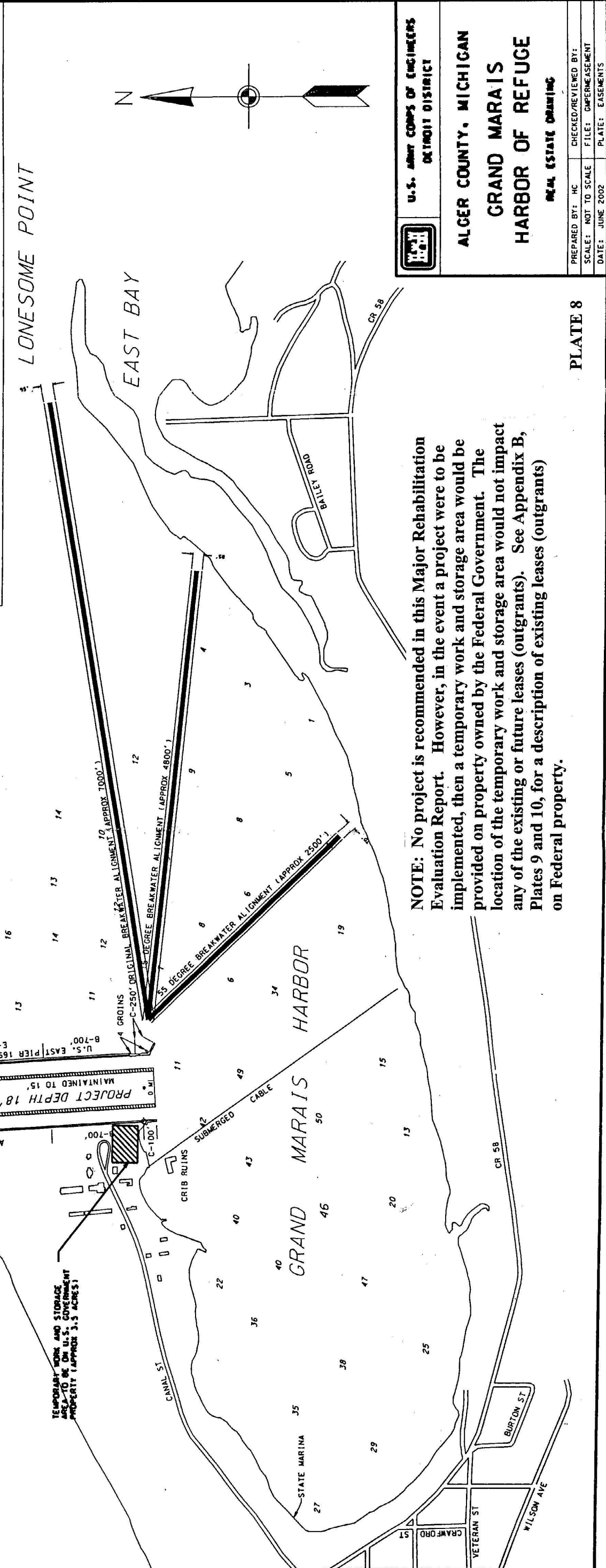
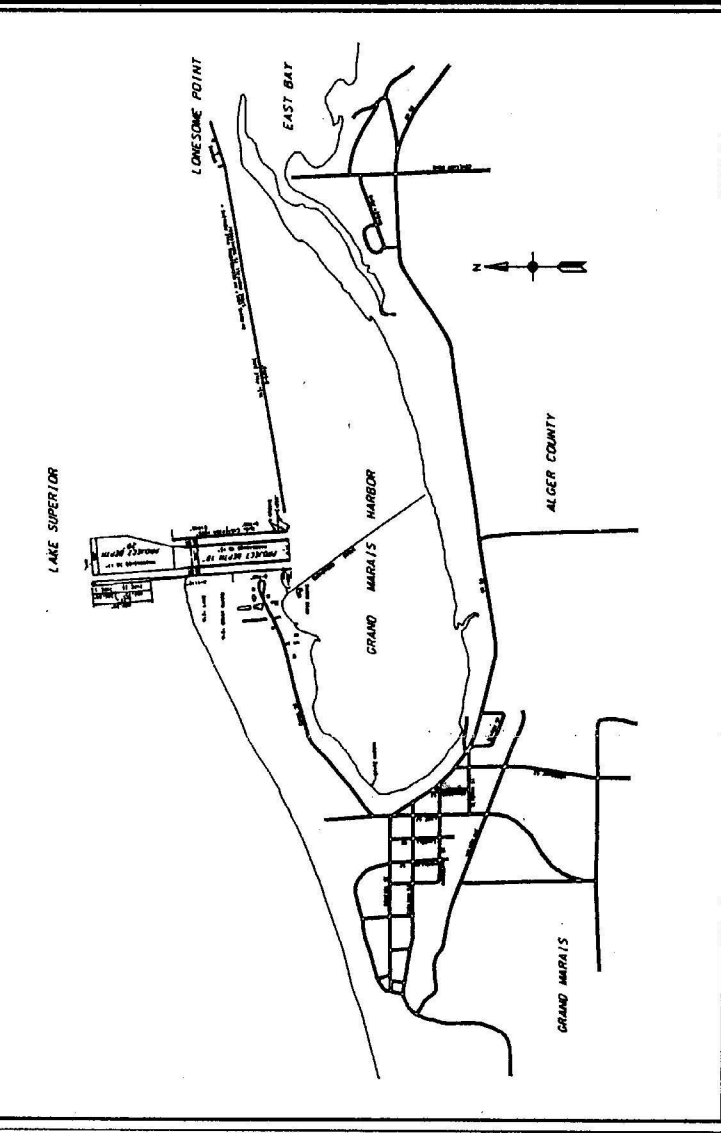
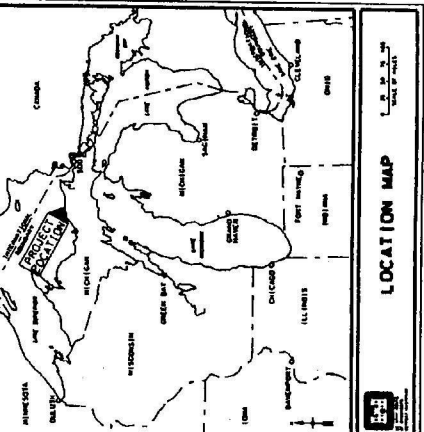


**NOTE:**



- OUTLINES PERMITTED AREA





## EXHIBIT "A"

### DETROIT DISTRICT REAL ESTATE ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY

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PROJECT: Grand Marais Harbor, Grand Marais, Michigan Section 107

#### I. LEGAL AUTHORITY

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

(Yes/No)

Initials DCE Date 8/9/02

b. Does the sponsor have the power of eminent domain for this project?

(Yes/No)

Initials DCE Date 8/9/02

c. Does the sponsor have "quicktake" authority for this project?

(Yes/No)

Initials DCE Date 8/9/02

d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary?

(Yes/No)

Initials DCE Date 8/9/02

e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

(Yes/No) *The required land is owned by the federal government.*

Initials DCE Date 8/9/02

II. HUMAN RESOURCE REQUIREMENTS

a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended?

(Yes/No)

Initials DCE Date 8/9/02

b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training? *No. This will be developed if the sponsor is required to provide land for the Project.*

Initials DCE Date 8/9/02

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

(Yes/No)

Initials DCE Date 8/9/02

d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

(Yes/No)

Initials DCE Date 8/9/02

e. Can the sponsor obtain contractor support, if required in a timely fashion?

(Yes/No)

Initials DCE Date 8/9/02

f. Will the sponsor likely request USACE assistance in acquiring real estate?

(Yes/No)

Initials DCE Date 8/9/02

III. OTHER PROJECT VARIABLES

a. Will the sponsor's staff be located within reasonable proximity to the project site?

(Yes/No)

Initials DCE Date 8/9/02

b. Has the sponsor approved the project/real estate schedule/milestones?

(Yes/No) *This will occur if the Project proceeds to the feasibility phase.*

Initials DCE Date 8/9/02

c. Has the sponsor performed satisfactorily on other USACE projects?

(yes/no/not applicable)

d. With regard to this project, the sponsor is anticipated to be: highly capable/capable/moderately capable/marginally capable/insufficiently capable. (If the sponsor believed to be insufficiently capable, provide explanation.)

Initials DCE Date 8/9/02

Prepared by:

/S/ DON C. ERWIN

Signature

Chief, Acquisition Branch

Title

Reviewed and approved by:

/S/ VICTOR L. KOTWICKI

Signature

Chief, Real Estate Division

Title